

# **How Supranational are Intergovernmental Institutions? Assessing the Socializing Power of Council Working Parties**

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## **Introduction<sup>1</sup>**

How do decision-making processes unfold in the European Union (EU)? What decides who get what, when and how? Below the well-known European Commission and the Council of Ministers exists a less recognised web of expert committees and working groups that are pivotal in the decision-making cycles of the EU. The roles of these committees are several. One is to integrate independent expertise from outside actors. Another is to aggregate national interests into Community decisions by inviting domestic civil servants into different decision-making arenas of the Union. One central arena where national civil servants become directly involved in EU decision-making is the Council working parties (CWPs). This policy memo asks the following question: Do domestic civil servants attending the CWPs primarily act as national representatives and independent experts, or do they also become re-socialised into supranational actors?

Historically, European integration and EU institutions have evolved around one central cleavage – that between intergovernmentalism and supranationalism. These opposing poles relate to the relative sovereignty, autonomy and independence of European nation-states and the EU. The intergovernmental end of this cleavage tends to underscore European integration and EU institutions as governed by the big member-states. Supranationalism, on the other hand, underscores governance beyond the territorial states and emphasises an independent role of the EU institutions. Traditionally, the European Commission has been conceived as the

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supranational institution *par excellence*, whilst the Council of Ministers has been conceived as the intergovernmental body of the Union.

This policy memo underscores that EU institutions are Janus-faced – consisting of both intergovernmental and supranational elements. I argue that an institution is intergovernmental if it is composed primarily of national politicians and civil servants from different nation-states, that the institutional *ration d'être* is to integrate national interests into Community decision-making, and that the role of the decision-makers is to represent 'their' national interests in Community decision-making. A typical supranational institution is composed of Community decision-makers who can take decisions that are binding on member-states, the institutional *ration d'être* is to aggregate and integrate Community interests into Community decision-making, and the decision-makers have primarily the role as Community representatives.

As already mentioned, this policy memo challenges the view that EU institutions are *either* intergovernmental *or* supranational. More precisely, I challenge the pure intergovernmental picture of the Council of Ministers by underscoring the socialising power of the CWP by asking if domestic civil servants that attend CWPs evoke roles as national representatives, independent experts or supranational agents. Based on empirical data I demonstrate that some civil servants primarily evoke the role as a supranational agent. These officials tend to identify with the Community institutions generally, take *their* interests and points of view into account, and act in accordance with the interests of "*their*" EU committee. It is by considering civil servants attending CWPs as having several, partially contending, roles that this memo emphasises EU institutions in general and the Council of Ministers in particular, as complex

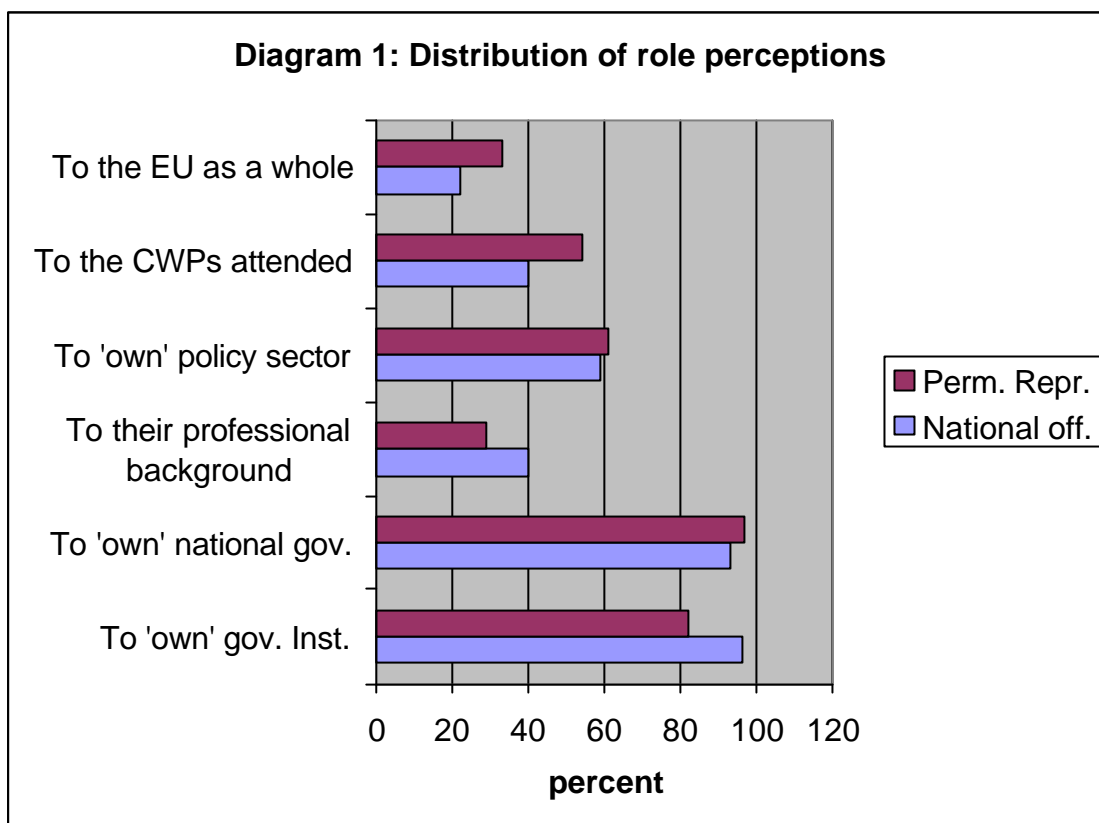
and multifaceted institutions. Hence, we consider civil servants as complex “creatures” who participate on several decision-making arenas and who thereby enact several roles. As we will demonstrate, certain domestic civil servants attending the CWP tend to put strong emphasis on their role as supranational representatives. Accordingly, the distinction between supranationalism and intergovernmentalism does not go parallel with the distinction between the European Commission and the Council of Ministers, but tend to cut across these institutions. Henceforth, strengthening one institution at the expense of the other does not automatically imply the dominance of either supranationalism or intergovernmentalism.

The argument is presented in the following five steps. The first section shows empirically which roles domestic civil servants actually evoke when attending the CWPs. Second, I argue that the value added of studying domestic civil servants who participate in CWPs is to assess the supranational character of intergovernmental institutions (like the Council of Ministers). The third section accounts for why some domestic civil servants become partly re-socialised into supranational actors. The fifth section discusses potential policy implications of our analysis. The final section provides some concluding remarks. The main conclusions drawn are the following:

- CWPs are primarily intergovernmental institutions, but with an important supranational component
- This component is primarily located among permanent representatives who interact and socialise intensively within the CWPs. These officials are re-socialised, as we say.

## **Some empirical observations**

Our empirical observations, origin from Danish and Swedish domestic civil servants, reveal that domestic government officials who attend CWP's evoke a mixture of different roles – both the role as a national representative, the role as an independent expert, as well as that of a supranational representative. The participants consider the first role as most important; the expert role as of secondary importance, while the majority sees the supranational role as the least important one. Hence, national officials who attend EU committees tend to supplement their role as a national representative and independent expert with that as an EU decision-maker (supranational role). It is important to notice that this supranational role is mostly delimited to the EU committees attended and less to the EU as a whole. Hence, whilst half of those attending EU committee tend to feel allegiance towards their 'own' committee, only one fourth come to feel allegiance towards the EU as a whole.



*The first two variables measures a supranational role orientation, the third variable measures primarily a sectoral expert role orientation, whilst the last three variables measures a national role perception.*

The above diagram shows that our research compares domestic government officials coming from national ministries and agencies (national off. in the diagram) and officials located at the Brussels-based permanent representations (Perm. Repr. in the diagram). Not surprisingly, officials at the permanent missions in Brussels use more time and energy within the CWP's than officials located in the home countries. One apparent effect of this difference is that the permanent representatives evoke the role as supranational decision-maker more extensively than do the 'domestic' officials. It thus seems that the *intensity of interaction* with fellow colleagues in Brussels in the meeting-rooms of the CWP's increases the likelihood that these officials 'go native' and evoke a supranational role orientation. However, 'going native' does not mean that the role as a national representative is supplanted with a supranational role. It merely implies that the national role orientation is supplemented with a new supranational



one. Accordingly, going to Brussels implies an increased repertoire of roles to be handled by domestic civil servants.

Our data thus demonstrates that the Council of Ministers is primarily an intergovernmental institution as seen from the working groups of this organisation. The supranational elements of the Council are observed primarily among those participants on permanent re-location at the permanent missions in Brussels.

### **So what?**

Why study the roles activated by domestic civil servants attending the CWP's? First, the role perceptions evoked by officials provide cognitive, moral and normative systems of orientation and self-reference for them when making decisions. This memo emphasises role conceptions, as perceived by the officials themselves. This implies role perceptions, as they more or less consciously exist in the minds of the civil servants. Second, roles provide the actors with shared systems of meaning. When activating one, two or three roles (see above) the actor put him- or herself in a *generalised position* as a national representative, independent expert or as a supranational actor. This generalised position generates cues for action and roles of appropriate behaviour. Third, roles influence the framing of action. What people do and how they do it depends upon how they see themselves and their world, and this in turn depends upon the cognitive concepts through which they see. Subsequently, studying the roles of EU committee participants is important for understanding the decision-making behaviour of these actors, and more broadly for understanding how the EU committees work generally.

## **Explaining individual role orientations**

We need to explain two observed facts. First the fact that CWP participants are primarily intergovernmental institutions with nationally oriented and minded participants. Secondly, we should explain why some officials put relatively strong emphasis on their role as supranational actors. We should also ask ourselves: Are supranational roles the product of committee participation in Brussels or are domestic civil servants generally supranationally oriented before going to Brussels for their first committee meeting?

First, why do domestic officials who attend the CWPs primarily evoke a role as national representative and put less emphasis on their role as independent expert and supranational agent? The main reason for this observation is the fact that the CWP participants have their *primary institutional affiliation* at the domestic level. Most of their time and energy are consumed in domestic ministries and agencies, and they travel only occasionally to Brussels for committee meetings (see Beyers' memo). Second, the *raison d'être* of the Council of Ministers is to integrate national interests into Community decision-making. When arriving at the Council building in Brussels *most* domestic officials are thus reminded of their national role as they are embedded in a "like-minded" institution as their domestic institutions. Moreover, the career prospects of these officials are fairly strongly conditioned by their national constituency and less by the EU institutions. These actors are also educated primarily in national educational systems, contributing to a nationally biased world-view. These officials are thus heavily pre-socialised into national representatives and independent experts before going to Brussels. Our data also show that this pre-socialisation partly prevents these actors from 'going native' in Brussels in the sense that they leave their role as a national representative behind.

Second, why do some officials, particularly those at the permanent representations in Brussels, become more supranationally oriented than others? I argue that this observation reflects the *intensity of interaction* with other colleagues in Brussels generally, and within the EU committees in particular. Some EU committee meetings are more akin to academic seminars with lengthy informal, regular and collegial interaction patterns than to traditional international diplomacy with sporadic, formal and often conflicting encounters. These committee meetings do also have a consensus reflex that largely transcends the traditional diplomatic code of conduct. Our data show that national civil servants, particularly the permanent representatives, devote a fairly great amount of time participating in the CWP, interact intensively during committee meetings and have extensive informal contacts outside the formal committee meetings. Our data demonstrate that intensive interaction of these kinds are conducive to the emergence of supranational roles among the participants. However, our data also show that officials who have participated for long periods of time in the CWPs do not evoke supranational roles more strongly than officials who are newcomers. What matters is the *degree of intensity* of interaction at any point in time with fellow committee colleagues, not the length of interaction. By intensity of interaction we mean the number of committees attended, the number of committee meetings attended, the number of informal encounters experienced, etc. Accordingly, officials from new EU member-states, like Sweden, *may* evoke supranational roles as much as officials from older EU-member-states like Denmark.

The final question that should be answered is to what extent supranational roles express processes of *re-socialisation* through EU committee meetings or *pre-socialisation* at the domestic level? Do these officials 'turn native' in Brussels or are they in fact supranationally oriented in advance when arriving at the Brussels airport for their first committee meeting? One way of answering this question is to study how these officials were recruited and selected

to the EU committees. One prerequisite for pre-socialisation to determine the existence of supranational roles is that the civil servants *choose* to take part in the CWPs. Our data show few indications of self-selection to the EU committees. One could, however, ask if those officials attending the CWPs were recruited to the domestic public service system because of their supranational orientation. However, it is not very likely that such predispositions should qualify for office. Recruitment of civil servants to the Scandinavian central administrations is mostly based on the merit principle. However, one might argue that it is more likely that recruitment to the permanent missions in Brussels reflect some elements of pre-socialisation. Research indicate that officials who go to the permanent representations are generally more interested in the EU and have more prior information about EU decision-making and institutions compared to their domestic colleagues. Hence, we find it somewhat more likely that the supranational role orientations among the permanent representatives reflect some element of pre-socialisation at the domestic level. Still, it is also very likely that permanent representatives are indeed re-socialised into supranational actors within the committee rooms at the Justus Lipsius building.

## **Implications**

Finally, we are left with the ‘so what’ question ones more. Do the above observations and arguments matter for others than the research community? Do the above analysis have any potential implications for domestic and EU governance, for the interaction between these governance levels, let alone for European integration broadly?

Our study demonstrates that domestic government officials continue to pursue national roles and interests when attending EU institutions like the CWPs. This observation indicates that CWPs are primarily intergovernmental bodies that integrate and communicate member-states’

interests into Community decision-making. Accordingly, CWPs are instrumental for strengthening, integrating and aggregating the interests of the member-states in Community governance. Hence, we do not see, nor do we foresee, a purely supranational EU composed of purely supranational decision-makers. A large part of Community decision-making unfolds among national decision-makers that attend EU committees with a fairly strong national orientation.

Our study, however, also demonstrates that this purely intergovernmental picture of the CWPs is not correct. Domestic government officials who participate in these groups evoke multiple roles – both the role as independent expert and that as a supranational agent. This observation implies that EU committee governance continues to be a complex interaction of governance levels, concerns and actors. The *ration d'être* and the *modus operandi* of the CWPs resembles somewhat the Commission preparatory committees and the comitology committees. Our research indicate that all these committees have complex and overlapping implications for Community decision-making by affecting domestic decision-makers in fairly similar ways. However, the CWPs and the comitology committees have a stronger intergovernmental logic than the Commission preparatory committees.

Finally, our data demonstrates that the sheer *intensity* of interaction among the committee participants matters as to their role orientations. We have also revealed that the length of interaction among the participants is of minor relevance in this respect. This implies that when new officials, for example from the East-European candidate countries are introduced to the EU committee machinery, they are likely to be re-socialised pretty fast if they attend the committee meetings with a high level of intensity. Moreover, what matters are not only the *formal* participation in EU committee meetings but also the degree of *informal* interaction

among the committee participants outside the committee meeting rooms. This observation underscores the informal aspect of EU committee governance. An important contribution to EU decision-making happens during lunches and walks through lengthy corridors. Parallel to the face-to-face system of direct democracy in the ancient Greek city-states, a large proportion of EU governance rests on face-to-face interaction among civil servants and politicians. The EU system has grown large and institutionally complex. One answer to this development has been institutional specialisation into small-scale groups of decision-makers – like the CWPs. The Eastern enlargement of the Union in 2004 is likely to further increase the institutional mass and complexity of the Union, contributing to an increased need for small-scale groups of decision-making bodies like the EU committees. Hence, we need to understand the inner life of these fairly small institutions to understand EU governance generally.

As an indication of the informal character of interaction among CWP participants, one Swedish official who attend one CWP observed that,

*“we have frequent contacts between the meetings, rather informal and personal contacts. This result in a certain allegiance to the committee and to the individuals who attend. I almost know the committee participants better than I know colleagues back home. We turn into a club”.*

## **Conclusion**

EU institutions in general, and the CWPs in particular, are complex institutions with different roles to play. It seems that the Council of Ministers and its working groups are primarily intergovernmental institutions, but with a significant supranational component. This

supranational component is primarily indicated in this memo by the supranational role perceptions evoked by the officials at the permanent representations who attend the CWPs. Moreover, these committees should also be conceived as expert groups with the role of solving complex and technical issues among independent experts. However, despite the institutional complexity of the CWPs in particular, as well as the EU institutions generally, some institutional dynamics seems to exceed others. In the Council the intergovernmental dynamic seems to be the most important one. However, we have located some “cells” of supranationalism among the permanent representatives who interact and socialise fairly intensively and informally. These officials ‘go native’, as we say.

‘Going native’ in EU committees, however, do not imply that the officials ‘stay native’ when they return to their domestic ministries and agencies. After their stay in Brussels, these officials are likely to put greater emphasis on their national and sectoral roles. The current memo, however, has emphasised that permanent representatives who attend EU committees with a high degree of intensity are more likely to ‘stay native’ than officials having only occasional trips to Brussels.